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EXAMINER				
MERLIN, JESSICA M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,369

Applicant(s)

SASABAYASHI, TAKASHI

Examiner

JESSICA M. MERLIN

Art Unit

2871

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8 and 9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB006)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ ~~Notice of Informal Patent Application~~
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(c), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(c) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 12, 2009 has been entered.

Response to Amendment

2. Receipt is acknowledged of applicant's amendment filed November 12, 2009. Claims 7 and 10-18 have been cancelled without prejudice. Claims 1-6, 8 and 9 are pending and an action on the merits is as follows.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lai et al. (U.S. 2004/0105062 A1) in view of Suzuki et al. (U.S. 2002/0080320 A1).

In regard to claim 1, Lai et al. discloses a liquid crystal display device comprising a liquid crystal layer 56 and a pair of electrodes 62, 66 for applying voltage onto the liquid crystal

installed on both sides of said liquid crystal layer **56**, the liquid crystal layer **56** and pair of electrodes **62, 66** being sandwiched by a pair of substrates **52, 54**, wherein:

said liquid crystal layer **56** has a section **60I-II** obtained by polymerizing a polymerizable compound in the presence of said liquid crystal through selective irradiation of active energy rays over the substrate surface;

a section or sections **60I-II** (alignment direction controlling section or sections) that show an effect to control the alignment directions caused by a polymerized liquid crystal composition obtained by the selective irradiation of active energy rays are installed on either one of the surfaces only which contact the liquid crystal layer **56** (liquid crystal layer contacting surfaces), or each independently on both of the surfaces wherein none of the section or sections **60I-II** contact both substrates **52, 54**.

Note that the product by process limitations, “obtained by polymerizing a polymerizable compound in the presence of said liquid crystal through selective irradiation of active energy rays over the substrate surface” and “caused by a polymerized liquid crystal composition obtained by the selective irradiation of active energy rays” has been fully considered by the examiner. However, it is further noted that the patentability of a product does not depend on its method of production (*see e.g. MPEP 2113*).

Lai et al. fails to disclose

a first polarizer and a second polarizer are installed each on one of the outer sides of said pair of substrates so that the absorption axes of the two polarizers are perpendicular to each other;

a first $1/4$ wavelength plate is installed between one of said substrates and the first polarizer;

a second $1/4$ wavelength plate is installed between the other one of said substrates and the second polarizer; and

the absorption axis of the first polarizer is at 45° from the phase delay axis of the first $1/4$ wavelength plate, the absorption axis of the second polarizer is at 45° from the phase delay axis of the second $1/4$ wavelength plate, and the phase delay axis of the first $1/4$ wavelength plate and the phase delay axis of the second $1/4$ wavelength plate are perpendicular to each other.

However, Suzuki et al. discloses

a first polarizer **720** and a second polarizer **720** are installed each on one of the outer sides of said pair of substrates **701**, **707** so that the absorption axes of the two polarizers are perpendicular to each other (*see e.g. paragraph [0070]*);

a first $1/4$ wavelength plate **721** is installed between one of said substrates **701** and the first polarizer **720**;

a second $1/4$ wavelength plate **721** is installed between the other one of said substrates **707** and the second polarizer **720**; and

the absorption axis of the first polarizer **720** is at 45° from the phase delay axis of the first $1/4$ wavelength plate **721**, the absorption axis of the second polarizer **720** is at 45° from the phase delay axis of the second $1/4$ wavelength plate **721**, and the phase delay axis of the first $1/4$ wavelength plate **721** and the phase delay axis of the second $1/4$ wavelength plate **721** are perpendicular to each other (*see e.g. paragraph [0081] and Figure 8*).

Given the teachings of Suzuki et al., it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display device of Kumar et al. with a first polarizer and a second polarizer are installed each on one of the outer sides of said pair of substrates so that the absorption axes of the two polarizers are perpendicular to each other; a first 1/4 wavelength plate is installed between one of said substrates and the first polarizer; a second 1/4 wavelength plate is installed between the other one of said substrates and the second polarizer; and the absorption axis of the first polarizer is at 45° from the phase delay axis of the first 1/4 wavelength plate, the absorption axis of the second polarizer is at 45° from the phase delay axis of the second 1/4 wavelength plate, and the phase delay axis of the first 1/4 wavelength plate and the phase delay axis of the second 1/4 wavelength plate are perpendicular to each other.

Doing so would provide a means for operating the display device as a switching element and for compensating the effects of the birefringence of the liquid crystal molecules, which may become detrimental to the display quality.

In regard to claim 2, Lai et al. discloses said liquid crystal layer **56** has a section **60I-II** obtained by polymerizing a polymerizable compound in the presence of said liquid crystal **56** through selective irradiation of active energy rays over the substrate surface without voltage application (*see e.g. Figure 3*).

Note that the product by process limitation, “. . . obtained by polymerizing a polymerizable compound in the presence of said liquid crystal through selective irradiation of active energy rays over the substrate surface without voltage application . . .” has been fully considered by the examiner. However, it is further noted that the patentability of a product does not depend on its method of production (*see e.g. MPEP 2113*).

In regard to claim 3, Lai et al. discloses said liquid crystal layer **56** has a section **601-II** obtained by polymerization through selective irradiation of active energy rays followed by irradiation of active energy rays all over the substrate surface with voltage application (*see e.g. Figure 3*).

Note that the product by process limitation, “. . . obtained by polymerization through selective irradiation of active energy rays followed by irradiation of active energy rays all over the substrate surface with voltage application . . . ” has been fully considered by the examiner. However, it is further noted that the patentability of a product does not depend on its method of production (*see e.g. MPEP 2113*).

In regard to claim 4, Lai et al. discloses at least one of said two irradiations of active energy rays has been carried out along a direction tilted from the normal to the substrate surface.

Note that the product by process limitation, “. . . at least one of said two irradiations of active energy rays has been carried out along a direction tilted from the normal to the substrate surface . . . ” has been fully considered by the examiner. However, it is further noted that the patentability of a product does not depend on its method of production (*see e.g. MPEP 2113*).

In regard to claim 5, Lai et al. discloses the above limitations, but fails to explicitly disclose said liquid crystal layer shows a specific light shielding pattern caused by the alignment of liquid crystal molecules when a voltage is applied after said irradiation or irradiations of active energy rays.

However, Suzuki et al. discloses said liquid crystal layer **308** shows a specific light shielding pattern caused by the alignment of liquid crystal molecules **308** when a voltage is applied after said irradiation or irradiations of active energy rays (*see e.g. Figure 8 and note that*

the pattern is the result of the molecules moving under an applied electric field in combination with the polarizers sandwiching the cell).

Given the teachings of Suzuki et al., it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the liquid crystal display device of Lai et al. with said liquid crystal layer shows a specific light shielding pattern caused by the alignment of liquid crystal molecules when a voltage is applied after said irradiation or irradiations of active energy rays.

Doing so would provide a means for operating the display device as a switching element and for compensating the effects of the birefringence of the liquid crystal molecules, which may become detrimental to the display quality.

Note that the product by process limitation, "... after said irradiation or irradiations of active energy rays ..." has been fully considered by the examiner. However, it is further noted that the patentability of a product does not depend on its method of production (*see e.g. MPEP 2113*).

In regard to claim 6, Lai et al. discloses said pattern caused by the alignment of liquid crystal molecules comprises at least one pattern selected from the group consisting of a lattice pattern, a crisscross pattern, a pattern in the shape of stripes and a pattern in the shape of stripes with bends (*see e.g. Figures 4a-b*).

In regard to claim 8, Lai et al. discloses at least one means selected from the group consisting of protrusions, depressions and a slit pattern in an electrode is installed on the surface or surfaces which contact the liquid crystal (liquid crystal layer contacting surface or surfaces) (*see e.g. Figures 4a-b*).

In regard to claim 9, Lai et al. discloses the above limitations, but fails to disclose said liquid crystal has negative dielectric constant anisotropy, and is aligned in the direction vertical to the substrate surface when no voltage is applied after said irradiation or irradiations of active energy rays.

However, Suzuki et al. discloses said liquid crystal has a negative dielectric constant anisotropy, and is aligned in the direction vertical to the substrate surface when no voltage is applied after said irradiation or irradiations of active energy rays.

Given the teachings of Suzuki et al., it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the display device of Lai et al. with said liquid crystal has a negative dielectric constant anisotropy, and is aligned in the direction vertical to the substrate surface when no voltage is applied after said irradiation or irradiations of active energy rays.

Doing so would provide a vertically aligned device which has the advantages of high contrast, response and improved viewing angle characteristics.

Response to Arguments

5. Applicant's arguments with respect to claims 1-6, 8 and 9 have been considered but are moot in view of the new ground(s) of rejection.
6. In regard to independent claim 1, applicant's arguments, on pages 6-7 of the Remarks, that the previously applied prior art fails to disclose all of the limitations of claim 1, as newly amended, have been fully considered and are appreciated. However, the newly cited rejection of Lai et al., in view of Suzuki et al., discloses all of the limitations of claim 1, as cited above.

Namely, Lai et al. discloses the newly added limitation, "wherein none of the section or sections contact both substrates." Therefore, claims 1-6, 8 and 9 stand rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA M. MERLIN whose telephone number is (571)270-3207. The examiner can normally be reached on Monday-Friday 6:30AM-4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. M. M./
Examiner, Art Unit 2871
Jessica M. Merlin
January 10, 2010
/David Nelms/
Supervisory Patent Examiner, Art Unit 2871